

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Backward Classes Welfare Department – Vigilance Cell – Srikakulam District – Allegations of corruption against Sri. M. Chinna Babu, Assistant B.C.Welfare Officer, Srikakulam-II – Trapped by the Anti Corruption Bureau Officials on 5.2.2000 – Placed before Tribunal for Disciplinary Proceedings for enquiry – Inquiry Completed – Report submitted – Charge proved in the Tribunal for Disciplinary Proceedings enquiry - Dismissal from Service – O.A.No.5000/2009 filed before the Hon’ble APAT, Hyd. – Judgment delivered – Reinstatement into service - Orders – Issued.

BACKWARD CLASSES WELFARE (VIGILANCE CELL.A2) DEPARTMENT

G.O.Ms.No. 3

Dated:27 January 2011.

Read the following:

1. G.O.Ms.No.25, BCW(Vig.Cell) Dept., dt.26.3.2009.
2. O.A.No.5000/2009 filed by Sri M.Chinna Babu, ABCWO(Dismised).
3. Govt.Memo.No.1464/Vig.Cell/A2/2009-7, dated 8.6.2009.
4. Orders of the Hon’ble APAT, Hyd. in OA No.5000/2009, dt.7.4.2010.
5. Representation of Sri. M. Chinna Babu, ABCWO (dismissed), dt.25.9.2010.

ORDER:

1. Whereas, in the reference 1st read above, Government have imposed a punishment of dismissal from service on Sri. M. Chinna Babu, formerly Assistant B.C. Welfare Officer, Srikakulam-II, Srikakulam District, as he is found guilty, of the charge of demanding and accepting illegal gratification established against him by the Tribunal for Disciplinary Proceedings.
2. And whereas, in the reference 2nd read above, Sri. M. Chinna Babu, Assistant B.C.Welfare Officer (dismissed) has filed O.A.No.5000/2009 before the Hon’ble A.P. Administrative Tribunal, and requested to set aside the dismissal order against him issued by the Government.
3. And whereas, in the reference 3rd read above, Government have filed fair Counter Affidavit in the said O.A., before the Hon’ble Tribunal, Hyderabad and requested to dismiss the said OA with costs.
4. And whereas, in the reference 4th read above, The Hon’ble Tribunal, Hyderabad has observed that, the Tribunal for Disciplinary Proceedings found that the applicant is guilty of the charge of demand acceptance of bribe from the defector complainant Venkat Rao for not sending the report against him only on the basis of his presumptions and surmises and not from the evidence what was adduced before him, and set aside the G.O.Ms.No.25, BCW(Vig.Cell) Dept., dt.26.3.2009 and directed the respondents to reinstate the applicant into service immediately with all consequential benefits.
5. And whereas, in the reference 5th read above, Sri. M. Chinna Babu, Assistant B.C.Welfare Officer (dismissed) has requested the Government reinstate him into service by implementing the judgment of the Hon’ble Tribunal, Hyderabad.
6. And whereas, Government have carefully examined the representation of Sri. M. Chinna Babu, Assistant B.C. Welfare Officer (dismissed) and the orders of Hon’ble A.P. Administrative Tribunal, Hyderabad, dt.7.4.2010, it is observed that, the learned Chairman of the Tribunal for Disciplinary Proceedings basing on the newspapers,

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writings that all the wardens including their superiors are engaging in nefarious activities made to the conclusion that the applicant is also involved in such activities and demanded and accepted a bribe and without any legal evidence has stated that the needle of suspicion points towards the applicant, and further observed that, the A.P. Administrative Tribunal, Hyderabad. has objected the way of arriving to the conclusion by Tribunal for Disciplinary Proceedings and judgment should be based on evidence, and the principles of natural justice be applied in Departmental Proceedings. Since, these principles are not met with by the Tribunal for Disciplinary Proceedings, and there are no decisive grounds to approach the Hon'ble High Court through Writ Petition against the orders of the Hon'ble Tribunal, and also legal remedies are not there, and decided to implement the orders of the Hon'ble AP Administrative Tribunal, Hyderabad in O.A.No.5000/2009, dt.7.4.2010 i.e. set aside the dismissal orders against Sri M.Chinna Babu, Assistant B.C. Welfare Officer and reinstate him into service, and to release all consequential benefits to him, as per rules in force.

7. Now, therefore, in exercise of the powers conferred by clause (c) of sub rule (5) of rule (8) of the A.P. Civil Services (Classification, Control & Appeal)Rules, 1991, Government hereby set aside the dismissal orders against Sri. M. Chinna Babu, formerly Assistant B.C.Welfare Officer, Srikakulam-II, Srikakulam District, and reinstate him into service and to release all his consequential benefits, as per rules in force.

8. The Director, B.C.Welfare, A.P., Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

HIRALAL SAMARIYA
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director, B.C.Welfare, A.P., Hyderabad.
Sri. M. Chinna Babu, Assistant B.C. Welfare Officer (dismissed), Srikakulam-II, Srikakulam Dist. through the Director, B.C.Welfare, A.P., Hyd. (He is requested to serve the copy on the subject officer immediately and intimate the same to Govt.).

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, A.P.V.C., Hyderabad.

The Govt. Pleader for BC Welfare (S),

AP Administrative Tribunal, Hyderabad.- with reference to CMA No.361/2010 in CA No.1259/2010 in OA No.5000/2009.- for information.

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER